

Firefight looms after Seven Locks rejection

Montgomery County Council sets up legal battle by nixing school board's choice for school site

Friday, May 12, 2006

The Montgomery County Council has rejected Kendale Road in Potomac as the site for a new Seven Locks Elementary School, going against the recommendations of its own Education Committee and the county school board.

Thursday's 6-3 vote effectively killed funding for the Kendale project.

Education Committee Chairman Michael L. Subin and committee member Michael J. Knapp (D-Dist. 2) of Germantown were joined by Nancy M. Floreen (D-At large) of Garrett Park in voting for a \$3.3 million appropriation to pay for cost increases related to building on the Kendale site.

The school board's recommendation of Kendale and the council's vote to reject it leaves the council trying to avoid a political and legal train wreck if it cannot find a solution that school officials can live with.

It is "not clear" whether the school board could refuse to rebuild at a site other than Kendale, Kathleen Boucher, a County Council attorney, wrote in a memo to Councilman Howard A. Denis on Wednesday.

"I'm going to do everything I can to make sure we don't get into that kind of an impasse," board President Charles Haughey said after Thursday's vote. "I don't want to project that as an outcome."

Subin was less cautious, noting that there is still "stringent opposition to the Seven Locks site" among school board members.

Whether the board could choose not to spend money that did not go toward building on Kendale Road "is far from clear," said Subin (D-At large) of Gaithersburg.

If the board did refuse to spend the money, there is a "good possibility it could end up in court," he said.

The issue has divided the council and the school board since a Feb. 15 audit report by the county's inspector general. The report questioned how the board made its November 2004 decision to build on Kendale Road, where \$750,000 has already been spent on site planning and design.

The report eventually led to a joint task force of County Council staffers and school planners who developed eight possible options for Seven Locks.

It also led the board to ask the state's Attorney General whether the county's inspector general has the authority to audit the school system.

Almost all the speakers at public hearings held by the school board and the County Council over the past two months have opposed the Kendale Road option. Parents from other Churchill cluster schools, especially Bells Mill Elementary in Potomac, called for a Seven Locks solution that would benefit their school.

On Tuesday, the county school board voted 5-2 to recommend the Kendale option and use the existing Seven Locks building for school system offices or as a holding school for schools being modernized.

How — or when — to build a replacement for Seven Locks remains unresolved.

Denis is pushing a proposal to demolish Seven Locks and rebuild a school capable of accommodating 640 students at the existing site.

Denis (R-Dist. 1) of Chevy Chase originally introduced the proposal as an amendment to the county's fiscal 2005-2010 construction plan. On Thursday, that amendment failed to win the six votes required for budget amendments.

But Denis' new proposal appears to have the five votes required to make it part of the 2007-2012 construction plan that the council will approve May 25.

Denis was joined in Thursday's vote by George L. Leventhal (D-At large) of Takoma Park, Marilyn J. Praisner (D-Dist. 4) of Calverton, Philip M. Andrews (D-Dist. 3) of Gaithersburg and Thomas E. Perez (D-Dist. 5) of Takoma Park. The council postponed a final vote, which may come as soon as next week.

The Seven Locks project has created a tension rarely seen between the council and the school board.

"I discerned in some council members' comments a level of skepticism that I have not encountered before," Haughey said.

Haughey, schools Superintendent Jerry D. Weast and council President Leventhal worked out the agreement that led to the joint task force of County Council staff and school planners.

On Thursday, Leventhal lashed out at the school board, saying that Potomac Elementary parents had testified that community superintendent Mark E. Kelsch promised them beneficial treatment in construction planning if they supported the Kendale site.

"Over the last several months, the school board has operated in bad faith again and again and again," he charged.

Haughey denied knowledge of any offer to the Potomac PTA. He attributed Leventhal's comments to frustration that the joint task force did not reach a resolution.

"I think he wanted a solution to appear," said Haughey (At large) of Rockville. "I did as well. But it didn't come from all the work done by the joint work group and all the thought the council and board members put into it. While I'm disappointed where we ended up, I'm not really mad at anyone. I will leave it at that."

The school board is still uneasy about placing a larger school on the Seven Locks Road site, said board member Stephen N. Abrams (Dist. 2) of Rockville.

Denis successfully sponsored legislation against so-called McMansions, where owners tear down smaller homes to replace them with much larger homes.

"Why in God's name is he proposing McSchools?" Abrams asked Thursday.

The Seven Locks imbroglio is so fluid that a final solution may surface over the next few days. The council may consider several options between now and a final vote, including modernizing Bells Mill Elementary by August 2009, a year earlier than planned.

Bells Mill's enrollment is 50 percent over its capacity and requires eight portables, which parents have complained are in poor condition.

The Education Committee voted unanimously on Wednesday to move up the Bells Mill modernization.

In one scenario, Potomac Elementary students could move to a modernized Bells Mill. The Seven Locks project, originally envisioned as a way to reduce overcrowding at Potomac, would not be completed until December 2011 under that scenario.

“I think we need a cluster-wide solution,” Subin said. “There are so many issues with so many schools.”

Asked how the council had gone from approving the Kendale site two years ago to rejecting the site Thursday, Subin noted a “suboptimal site” at Kendale, the availability of other sites and the Bells Mill portables.

“It is a far different landscape than a couple of years ago,” he said.